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INTELLECTUAL PROPERTY LAW GROUP LLP			COLUCCI, MICHAEL C	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,398	Applicant(s) GORADIA, GAUTAM DHARAMDAS
	Examiner MICHAEL C. COLUCCI	Art Unit 2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-36 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 April 2006 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 17-36 rejected under 35 U.S.C. 101 because:

The claimed invention is directed to non-statutory subject matter.

Claims 17-36 appear to disclose a computer program such as that described in Fig. 3 of the present invention (Fig. 3 program flow chart / sequence listing), wherein an "interactive system" can be a program with no description or clear support of a computer program product or program embodied on a computer readable medium positively disclosed in the specification. Therefore, with no disclosure of a computer product within the specification, a computer program product can be interpreted as a computer program, which does not fall under one of the statutory categories under 35 USC 101 as patent eligible subject matter, where computer program or computer program product does not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized.

Claims 17-36 are rejected under 35 U.S.C. 101 because:

Claims 17-36 do not fall within one of the four statutory categories of invention. Supreme Court precedent¹ and recent Federal Circuit decisions² indicate that a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claim(s) recite a series of steps or acts to be performed, the claim(s) neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

Claims 17-36 recite purely mental steps and would not qualify as a statutory process. In order to qualify as a statutory process, the method claim should positively recite the other statutory class to which it is tied (i.e. apparatus, device, product, etc.). For example, the method steps of claim 17 appear to recite mental steps such as "an interactive system" and do not identify an apparatus that performs the recited method steps, such as a computer as described in the specification (present invention page 7).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

¹ *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

² *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008).

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 17-19, 21-24, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Segond et al. US 20040078204 A1 (hereinafter Segond).

Re claim 17 Segond teaches an interactive system for building, and sharing one's own databank of Wisdom Bytes, such as Words of Wisdom, Basic Truths, and/or Facts and Feats on any subject ([0050]), in one or more languages ([0062]), using a computer system comprising:

- a) a User Interface ([0021] & Fig. 2);
- b) one or more well-classified databases to store data user wise including a Wisdom Byte Bank Database, Translation Database, User Database, and Configuration Database (Fig. 1 elements 134, 136, and 138, & Fig. 3 elements 304, 306, and 310);
- c) at least one well classified data input organizing and management module, said data is stored in the form of records in the databases ([0055] & Fig. 2);
- d) modules for sharing, invoking, storing, for continuous motivation and for improving one's knowledge of Wisdom Bytes such as Words of Wisdom, Basic Truths, and/or Facts and Feats, using the data from the databank, said data having been selected by a user by finding the same from the databank by none or one or more "FIND" conditions ([0050]) & Fig. 2 Elements 250, 254);
- e) a control system acting as a bridge between the User Interface and the databases ([0021] & Fig. 2)

Re claim 18, Segond teaches the system according to claim 17 wherein the "FIND" conditions are defined by classifications comprising a Date, Record ID, Language ([0049] language difficulties/strengths), Source of Information ([0049] personal interests), Type of Wisdom Byte, Subject and Sub Subjects, and by keywords, wildcard characters, File Attachments or Bookmark Remarks, including "Favorite".

Re claim 19, Segond teaches the system according to claim 17 wherein the modules include a Wisdom Bytes Session Module allowing the user to invoke and store a Wisdom Bytes Session for continuous motivation and for improving one's knowledge ([0021] & Fig. 1 session database 138) of Wisdom Bytes such as Words of Wisdom, Basic Truths, and/or Facts and Feats, using the data from the databank, said data having been selected by the user by finding the same from the databank by none or one or more "FIND" conditions ([0050] & Fig. 2 Elements 250, 254).

Re claim 21, Segond teaches the system according to claim 17 wherein the modules include an Export Module for allowing the user(s) to export data from the databank ([0021] & [0098]), said data having been selected by the user(s) by finding the same by none or one or more "FIND" conditions ([0050] & Fig. 2 Elements 250, 254).

Re claim 22, Segond teaches the system according to claim 17 wherein the modules include an Import Module for allowing the user(s) to import data built by other user(s) ([0021] & [0098]).

Re claim 23, Segond teaches the system according to claim 22 wherein the Import Module further includes a utility for selectively importing the data ([0021] & [0098] & Fig. 2 sharing element 210).

Re claim 24, Segond teaches the system according to claim 17 wherein said data input organizing and management module allows the user to classify the data by well-defined classifications comprising Date, Language ([0049] language difficulties/strengths), Source of Information ([0049] personal interests & Fig. 3 elements 316 aggregated results), Type of Wisdom Byte, Subject and Sub Subjects.

Re claim 33, Segond teaches the system according to claim 17 wherein the modules include a Translation Module as well as a Global Translation Module for allowing translation of a record in the database ([0062]), from one language into another of the user's choice, individually or globally ([0021] & Fig. 2, sharing).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 20, 26-29, 31, and 34-36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Segond et al. US 20040078204 A1 (hereinafter Segond) in view of Hugh US 20030117434 A1 (hereinafter Hugh).

Re claim 20, Segond teaches the system according to claim 17 wherein the modules include a Wisdom Bytes Scheduler Module for allowing the user to schedule the Wisdom Bytes such as Words of Wisdom, Basic Truths, and/or Facts and Feats, by finding the same from the databank by none or one or more "FIND" conditions and said Words of Wisdom, Basic Truths, and/or Facts and Feats ([0050] & Fig. 2 Elements 250, 254) are brought up on the user's computer system at preset time intervals.

However, Segond fails to teach data brought up on the user's computer system at preset time intervals.

Hugh teaches that a system could reduce network traffic or conflicts by having the server regularly update all or a large portion of data on the clients at regularly scheduled intervals, or prior to network logoff or client shutdown/standby to be sure that users have the most up to date information when they disconnect, but then use a fully-connected system to instantly update the server of any modifications actually made by clients (Hugh [0850]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Segond to incorporate Words of Wisdom, Basic Truths, and/or Facts and Feats are brought up on the user's computer system at preset time intervals as taught by Hugh to allow for the reduction of network traffic or

conflicts by having the server regularly update all or a large portion of data on the clients at regularly scheduled intervals, wherein clients can have the most up to date information before starting a session (Hugh [0850]).

Re claim 26, Segond fails to teach the system according to claim 17 wherein the modules include a Global Association Module for allowing the user to associate files, URLs, or remarks to a record in the database.

Hugh teaches inter-process communication, where the Brain can request an application to identify the file it presently has open. The availability of this technique allows the Brain to create thoughts representing files that are open in other application programs. In one embodiment, the user may do so by simply dragging a link from a thought and releasing the selection button on the cursor control device when the pointer is situated over the desired application window. Upon the performance of these steps, the Brain queries the application for the identity of the file it has loaded, and the Brain creates a thought and sets the name and location of this thought in accordance with the application's response to the Brain's query. The thought (in this case, the active document in the application window) is thereby linked to the gate from which the user dragged the cursor. For instance, if the document is a Hypertext Markup Language ("html") World Wide Web site stored remotely on the Internet being viewed using a web browser application such as Navigator.RTM. by Netscape, the Brain will name a new thought based upon the document's Internet URL (Uniform Resource Locator) or the contents of an html "title" tag. When, in later use, a user reactivates this thought,

practicing methods described above, the Brain will launch the user's preferred web browser application, and request that the web browser download the html file from the remote URL (Hugh [0185]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Segond to incorporate the modules include a Global Association Module for allowing the user to associate files, URLs, or remarks to a record in the database as taught by Hugh to allow for the reactivation of a user preference, name, and location based on the location of data via a URL, wherein a processor can download and save information to and from a URL (Hugh [0185]).

Re claim 27, Segond fails to teach the system according to claim 17 wherein said data input organizing and management module further includes a utility for copying of existing classification and previously entered data for new data input by the user for ease of data entry.

Hugh teaches Remote Access to a Brain. Some embodiments of the present invention allow the use of a matrix with a second computer, although the matrix was originally created on a first computer. To the extent the files on this first computer may be locally accessed, for example through a local network, the present invention will simply access these local files. However, if the files on the first computer are not locally accessible, the Brain can copy such files from the first computer to the local computer; so that this change is incorporated into the operation of the present invention, the Brain will additionally change the location of the computer with the file (to the second

computer) so that the file may be locally accessed. Sharing Thought Documents. With most current operating systems, document sharing is based on the location of a file within a hierarchical file system. The Brain locates thought documents according to the desired sharing properties. When the user sets the sharing properties of a thought, the document is moved to a folder that possesses the requisite sharing properties. When thoughts are created, they are assigned the same sharing properties as the thoughts from which they are created. The user may optionally change the sharing properties of several thoughts by using the List manager to create a list of thoughts and subsequently assigning the desired sharing characteristics to the thoughts on this list (Hugh [0209-0210]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Segond to incorporate a utility for copying of existing classification and previously entered data for new data input by the user for ease of data entry as taught by Hugh to allow for the deletion of on e data from a first location to a second location so that data is replaced, wherein new information may be locally accessed (Hugh [0209-0210]).

Re claim 28, Segond fails to teach the system according to claim 17 wherein the modules include a Global Modification Module for allowing the user to modify, a record in the database individually and globally.

Hugh teaches Remote Access to a Brain. Some embodiments of the present invention allow the use of a matrix with a second computer, although the matrix was

originally created on a first computer. To the extent the files on this first computer may be locally accessed, for example through a local network, the present invention will simply access these local files. However, if the files on the first computer are not locally accessible, the Brain can copy such files from the first computer to the local computer; so that this change is incorporated into the operation of the present invention, the Brain will additionally change the location of the computer with the file (to the second computer) so that the file may be locally accessed. Sharing Thought Documents. With most current operating systems, document sharing is based on the location of a file within a hierarchical file system. The Brain locates thought documents according to the desired sharing properties. When the user sets the sharing properties of a thought, the document is moved to a folder that possesses the requisite sharing properties. When thoughts are created, they are assigned the same sharing properties as the thoughts from which they are created. The user may optionally change the sharing properties of several thoughts by using the List manager to create a list of thoughts and subsequently assigning the desired sharing characteristics to the thoughts on this list (Hugh [0209-0210]).

Hugh also teaches the transfer, creation, and recreation of information to a global memory list (Hugh [0154]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Segond to incorporate a Global Modification Module for allowing the user to modify, a record in the database individually and globally as taught by Hugh to allow for the deletion of on e data from a first location

to a second location so that data is replaced, wherein new information may be locally accessed (Hugh [0209-0210]) and the same data transferred to a global location as to delete information (Hugh [0154]).

Re claim 29, Segond fails to teach the system according to claim 17 wherein the modules include a Global Delete Module for allowing the user to delete a record in the database individually and globally.

Hugh teaches Remote Access to a Brain. Some embodiments of the present invention allow the use of a matrix with a second computer, although the matrix was originally created on a first computer. To the extent the files on this first computer may be locally accessed, for example through a local network, the present invention will simply access these local files. However, if the files on the first computer are not locally accessible, the Brain can copy such files from the first computer to the local computer; so that this change is incorporated into the operation of the present invention, the Brain will additionally change the location of the computer with the file (to the second computer) so that the file may be locally accessed. Sharing Thought Documents. With most current operating systems, document sharing is based on the location of a file within a hierarchical file system. The Brain locates thought documents according to the desired sharing properties. When the user sets the sharing properties of a thought, the document is moved to a folder that possesses the requisite sharing properties. When thoughts are created, they are assigned the same sharing properties as the thoughts from which they are created. The user may optionally change the sharing

properties of several thoughts by using the List manager to create a list of thoughts and subsequently assigning the desired sharing characteristics to the thoughts on this list (Hugh [0209-0210]).

Hugh also teaches the transfer, creation, and recreation of information to a global memory list (Hugh [0154]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Segond to incorporate Global Delete Module for allowing the user to delete a record in the database individually and globally as taught by Hugh to allow for the deletion of one data from a first location to a second location so that data is replaced, wherein new information may be locally accessed (Hugh [0209-0210]) and the same data transferred to a global location as to delete information (Hugh [0154]).

Re claim 31, Segond fails to teach the system according to claim 17 wherein the modules include a report Module for allowing user to print reports and/or graphs from the data in the databank, by none or one or more "FIND" conditions.

Hugh teaches a list of all short term memory thoughts and long term memory thoughts. In addition, a list of thoughts is created for each defined thought type. Lists of thoughts can also be manually created (see below, "Trains of Thought" and "Searching"). The user can activate a thought in a list (make it central in the current plex) by clicking on it. Thought lists can also be used to perform group operations on thoughts such as printing, changing properties, or even saving (to save only a selected

portion of the matrix). One embodiment used to maintain thought lists, using bitmap lists, is discussed in the "Determining If Thoughts Will Be Isolated" section above (Hugh [0192]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Segond to incorporate a report Module for allowing user to print reports and/or graphs from the data in the databank, by none or one or more "FIND" conditions as taught by Hugh to allow operations on thoughts such as printing, changing properties, or even saving (Hugh [0192]).

Re claim 34, Segond fails to teach the system according to claim 17 wherein the modules include a Tools/Help Menu Options Module for allowing the user to select an option for customization including system maintenance and updating of the database.

Hugh teaches the sharing of resources for tablet PCs, laptops connected with wireless modems, or with handheld PCs (Hugh [0788]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Segond to incorporate modules and utilities of said modules are adapted to operate within a browser and/or other viewing and/or processing programs and to operate on one or more computer systems including hand held devices as taught by Hugh to allow for the networking of a group of users such as a company, wherein other members are constantly working from synchronized data, and are constantly updating other people in the company about their findings from different locations (Hugh [0788]).

Re claim 35, Segond fails to teach the system according to claim 17 wherein the modules include a Master Module for allowing the user to create and store masters for well-defined classifications.

Hugh teaches a master/slave arrangement for various users (Hugh [0784]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Segond to incorporate a Master Module for allowing the user to create and store masters for well-defined classifications as taught by Hugh to allow for the management of situations in which the modifications made by users offline logically conflict, wherein a master/slave arrangement can handle critical information if a user is offline (Hugh [0784]).

Re claim 36, Segond fails to teach the system according to claim 17 wherein the modules and utilities of said modules are adapted to operate within a browser and/or other viewing and/or processing programs and to operate on one or more computer systems including hand held devices.

Hugh teaches the sharing of resources for tablet PCs, laptops connected with wireless modems, or with handheld PCs (Hugh [0788]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Segond to incorporate modules and utilities of said modules are adapted to operate within a browser and/or other viewing and/or processing programs and to operate on one or more computer systems including hand

held devices as taught by Hugh to allow for the networking of a group of users such as a company, wherein members can be connected and interact at different locations (Hugh [0788]).

6. Claims 25 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segond et al. US 20040078204 A1 (hereinafter Segond) in view of Clapper US 6940958 B2 (hereinafter Clapper).

Re claim 25, Segond fails to teach the system according to claim 17 wherein the modules include a Global Attachment Module for allowing the user to attach image, animation, or sound files to a record in the database.

Clapper teaches a portable appliance may compose and send (78) an email to one or more predetermined email addresses, with the voicemail audio file included e.g. as an attached file (Clapper [0022]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Segond to incorporate a Global Attachment Module for allowing the user to attach image, animation, or sound files to a record in the database as taught by Clapper to allow for a user to operate a cell phone application and compose and send (78) an email to one or more predetermined email addresses, with the voicemail audio file included e.g. as an attached file (Clapper [0022]).

Re claim 30, Segond fails to teach the system according to claim 17 wherein the modules include a Recycle Bin Module for allowing the user to restore or permanently remove a Record individually or plurally from the database.

Clapper teaches the voicemail interface web page may include additional items, such as control buttons for reviewing previously deleted messages which may be held in a "recycle bin" in the storage, or for freeing up storage space by emptying the recycle bin, or for administering passwords or other controls (Clapper [0028]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Segond to incorporate a Recycle Bin Module for allowing the user to restore or permanently remove a Record individually or plurally from the database as taught by Clapper to allow for a user interface to review deleted information prior to permanent deletion, wherein the deletion will free up memory (Clapper [0028]).

7. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Segond et al. US 20040078204 A1 (hereinafter Segond) in view of Rucker; James L. et al. US 6195657 B1 (hereinafter Rucker).

Re claim 32, Segond fails to teach the system according to claim 17 wherein the modules include a Global Bookmark / Unbookmark Module for allowing the user to bookmark or unbookmark a record in the database, individually or globally with Bookmark Remarks including "Favorite".

Rucker teaches a system that automatically scans the memory of the user's personal computer for folders or categories, rather than having all of the information stored in host 102. For instance, the user might be using well-known software packages which generate such categories or electronic folders, e.g., a Web browser which allows the creation of a hierarchy of "bookmarks", "favorites" or "short-cuts" to Web pages (Rucker Col. 7 lines 53-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Segond to incorporate a Global Bookmark / Unbookmark Module for allowing the user to bookmark or unbookmark a record in the database, individually or globally with Bookmark Remarks including "Favorite" as taught by Rucker to allow for the creation of a hierarchy of "bookmarks", "favorites" or "short-cuts" to Web pages (Rucker Col. 7 lines 53-67).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 20020091690 A1, US 7181438 B1, US 6185592 B1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Colucci whose telephone number is (571)-270-1847. The examiner can normally be reached on 9:30 am - 6:00 pm, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571)-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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